

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

v.

17-CR-183(4)-LJV-JJM
DECISION & ORDER

VIRGEN PEREZ-JURADO,

Defendant.

1. On March 13, 2024, the defendant, Virgen Perez-Jurado, pleaded guilty to count 1 of the superseding information charging a violation of Title 21, United States Code, Section 841(a)(1) (possession with intent to distribute, and distribution of, cocaine). Docket Item 966.

2. On March 13, 2024, the Honorable Jeremiah J. McCarthy, United States Magistrate Judge, filed a Report & Recommendation recommending that the defendant's plea of guilty be accepted and that the defendant be adjudged guilty. Docket Item 968.

3. This Court has not received objections to the Report & Recommendation in accordance with Title 28, United States Code, Section 636(b)(1), and Rule 59(b) of the Federal Rules of Criminal Procedure, and the time to object now has expired.

4. This Court has carefully reviewed *de novo* Judge McCarthy's Report & Recommendation (Docket Item 968), the plea agreement (Docket Item 966), the Superseding Information (Docket Item 965), a transcript of the plea proceeding (Docket Item 977), and the applicable law. Based on that review, this Court conducted a subsequent plea colloquy on July 17, 2024.

5. With the addition of this Court's subsequent plea colloquy, the Court adopts Judge McCarthy's recommendation that the defendant's plea of guilty be accepted and that the defendant be adjudged guilty count 1 of the superseding information.

6. The Court further GRANTS Perez-Jurado's motion to withdraw her previous plea of guilty to count 2 of the superseding indictment. Docket Item 895.

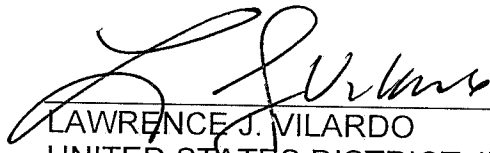
IT IS HEREBY ORDERED that this Court adopts Judge McCarthy's March 13, 2024 Report & Recommendation, Docket Item 968, in its entirety, including the authorities cited and the reasons given therein, and it is further

ORDERED that the Court accepts the defendant's plea of guilty and defers acceptance of the plea agreement pursuant to Sentencing Guidelines Section 6B1.1(c), and the defendant, Virgen Perez-Jurado is now adjudged guilty of count 1 of the superseding information under Title 21, United States Code, Section 841(a)(1); and it further

ORDERED that Perez-Jurado's previous plea of guilty to count 2 of the superseding indictment, entered on August 23, 2019, see Docket Items 396 and 397, is hereby VACATED.

SO ORDERED.

Dated: July 18, 2024
Buffalo, New York


LAWRENCE J. MILARDO
UNITED STATES DISTRICT JUDGE